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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,766	11/10/2003	Larry B. Pearson	1033-MS1016	4375
60533 7590 04/09/2007 TOLER SCHAFFER, LLP 8500 BLUFFSTONE COVE SUITE A201 AUSTIN, TX 78759			EXAMINER AL AUBAIDI, RASHA S	
			ART UNIT 2614	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/705,766	LARRY B. PEARCON	
	Examiner	Art Unit	
	Rasha S. AL-Aubaidi	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 7-14 and 6-25 are rejected under 35 U.S.C. 102(e) as being anticipated by LaPierre et al. (US PAT # 6,738,466).

Regarding claim 1, LaPierre teaches a method of providing a distinctive call waiting tone based on a redirecting number (see col. 2, lines 38-42), the method comprising: receiving a call from an originating device (reads on telephone station 110, Fig. 2, see col. 4, lines 30-31) at a redirecting device (reads on telephone station 112, see col. 4, lines 36-39); forwarding the call from the redirecting device to a destination device, the forwarded call having an associated data message that includes a calling number of the origination device, a called number of the destination device, and a redirecting number of the redirecting device; and applying a distinctive type of call waiting tone to the destination device based upon determining that the data message includes the redirecting number.

Claims 2 and 11-12 are rejected for the same reasons as discussed above with respect to claim 1.

Regarding claims 3, 8, 9 and 13 "the redirecting number is compared to a set of authorized numbers in a distinctive call waiting tone activation list and wherein the distinctive type of call waiting tone is applied when the redirecting number is found within the set of authorized numbers", see col. 4, lines 4-24.

Regarding claims 4, 10, 14 and 21 recite "the associated data message compatible with an SS7 compatible network" (see col.3, lines 17-20).

For claim 7 limitations, see col. 4, lines 49- 63.

Claim 17 is rejected for the same reasons as discussed above with respect to claim 1. For the claimed intelligent network system, see col. 1, lines 6-10, col. 2, lines 38-67, col. 3, and col. 4 and Fig. 1.

Claims 19 and 24 recite "the service switching point applies a distinctive call waiting tone to the destination subscriber communication device in response to evaluating the contents of the field to identify activation of the distinctive call waiting feature". See col. 4, lines 64-67.

Claims 20 and 25 recite "the service switching point receives a call prior to sending the request message to the switching control point". See col. 4, lines 40-42.

Claims 18, 22-23 are rejected for the same reasons as discussed above with respect to claim 1. The claimed "logic module" reads on the service package application (SPA), see col. 4, lines 49-57.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaPierre.

Regarding claims 5-6 and 15, LaPierre system was implemented in an Advanced Intelligent Network (AIN). LaPierre does not specifically teach the method is implemented in VOIP or a PBX system.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the method implemented in any system desired system. This is a design choice relies on the need and the desire of Applicant. See LaPierre (col. 5, lines 63-67 and col. 6, lines 1-9).


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit 2614
04/02/2007


RASHA S. AL-AUBAIDI
PATENT EXAMINER